REMARKS

Reconsideration and further examination of the subject patent application in view of the present Amendment and the following Remarks is respectfully requested. Claims 1-40 are currently pending in the application. Claim 15 has been rejected under 35 U.S.C. §112 as being indefinite. Claims 1-6, 8-9, 15-20, 22-23, 29-34, 36, 37, and 40 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. Pub. No. 2004/0133647 to McKinnon, et al. ("McKinnon"). Claims 7, 21, and 35 have been rejected under 35 U.S.C. §103(a) as unpatentable over McKinnon further in view of U.S. Pat. Pub. No. 2003/0133647 to Chaney, et al. ("Chaney"), and further in view of Wolff (U.S. Pat. No. 6,185,601); and claims 10, 24, and 38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over McKinnon further in view of U.S. Pat. Pub. No. 2005/0100157 to Gray, et al. ("Gray"). Claims 11-14, 25-26, and 39 have been rejected under 35 U.S.C. §103(a) as being unpatentable over McKinnon and Gray further in view of Chaney and Wolff. Claim 1 and 3 have been amended. After a careful review of the claims and cited references, it is believed that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

Claim 15 has been rejected as being indefinite because the means plus function elements do not have corresponding structure in the specification. However, each means recited has corresponding structure described in the application. For example, a means for sending a SIP SUBSCRIBE message is shown in Fig. 1 as servers 26, 34 and 32. The specification in paragraph 0027 describes the server as performing the recited function in accordance with known standard RFC#3261, thereby describing both the structure and the algorithm to one of ordinary skill in the art. Similarly, the means for sending a SIP NOTIFY as shown in Fig. 1 as sender and described in paragraph 0028 while the means for

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transferring is shown in fig. 1 as the reconfiguration processor described in paragraph 0031. Thus, claim 15 is in compliance with 35 U.S.C. §112.

All the independent claims 1, 15, and 29 are limited to sending a SIP SUBSCRIBE message to a presentity server, the message identifying a separate second resource, and requesting status of the separate second resource that performs a service for the separate first resource and sending a SIP NOTIFY message notifying the first resource of the status of the second resource (see e.g., paragraphs 0025-0028). Claim 1 has been amended to recite the second resource searching for the presentity server upon being activated and requesting a presence with the presentity server, and Claim 3 has been amended to include an expiration time (see e.g., paragraph 0025). In addition, claim 15 also calls for detecting lack of availability of a call transferring (i.e., routing) second resource device operating within a computer system and transferring the calls to a third resource when the call transferring resource is not available. Claims 6, 18, and 32 require the NOTIFY message be sent to the presentity server in response to SIP SUBSCRIBE message (see e.g., paragraph 0028).

Claims 1-6, 8-9, 15-20, 22, 23, 29-34, 36, and 37 have been rejected as anticipated by McKinnon. McKinnon is directed to a system to allow messaging between agents using presence messaging. The Office Action asserts that sending a SIP SUBSCRIBE message from a first resource to a presentity server requesting a status of a second resource that performs a service for the first resource is disclosed in paragraphs 0005, 0020, 0021, 0027-29, and 0031 of McKinnon. However, these paragraphs describe use of the SUSCRIBE message by watcher devices to request a relationship with a presentity so the presentity will communicate presence information to the watcher device. Thus, the SUBSCRIBE message is used in a different way than that claimed. In the claim a first resource uses the SUBSCRIBE message to request a status of a second resource while in McKinnon, the SUBSCRIBE messages are used by a first presentity in the presentity server, to request a relationship with

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another presentity within the presentity server. Thus, the SUBSCRIBE message is not requesting status of the second resource separate from the presentity server but instead requests a subscription between presentities within the presentity server. Similarly, any other resource (participating device) does not send the SUBSCRIBE message to the presentity server to request status of another device, even if they do request relationships with presentities.

The Office Action asserts McKinnon discloses that participating devices also use the SUBSCRIBE message to establish relationships with presentities not just watch devices, and that each resource 20 has its own presentity and is separate from the presentity server, while the presentity server and presentities provide availability information to the resources, and that each device is represented by a presentity which communicates with devices. However, even if all of that is true, there is no disclosure of any device sending a SIP SUBSCRIBE message to a presentity server identifying the second resource and requesting a status of the second resource as claimed. The SIP SUBSCRIBE messages in McKinnon are only described as being used to establish a relationship with a presentity; there is no disclosure of using SIP SUBSCRIBE messages to request status from another device. Further, there is no disclosure in McKinnon that one device requests information from the presentity server for a device which performs a service for the requesting device, or a SIP SUBSCRIBE message that identifies that device. None of the cited passages describe a SIP SUBSCRIBE message sent from a first device to a presentity sever, requesting status of a second device, the message identifying the second device for which status is requested or the second device searching upon activation. Thus, these features are not disclosed by McKinnon.

In addition, the Office Action assumes that SUBSCRIBE/NOTIFY messages sent between presentities is equivalent to sending them between resources themselves. First, this is not correct and not disclosed. They are clearly different processes and there is no

disclosure that they are equivalent. Further, the claims do not claim merely sending

SUBSCRIBE/NOTIFY messages between resources, they claim specific use of the

SUBSCRIBE messages to identify and request status and NOTIFY messages to provide

status of a resource.

The Office Action further argues that McKinnon discloses sending messages between

the presentity server and separate devices in paragraph 0020. Again, this is not what is

claimed. Further, paragraph 0020 merely describes a network supporting communication

between watcher devices wherein a presence server provides logical presentities which

determine changes by receiving notification from event sources. However, there is no

disclosure of the claimed use of a SIP SUBSCRIBE message sent from the first device to a

presentity server requesting status of a second device. There is no mention of SUBSCRIBE

messages at all in this paragraph. Thus, even if McKinnon can be interpreted to describe

sending messages between the presentity server and separate devices, it still does not disclose

the claimed manner of using SIP SUBSCRIBE messages.

Further, McKinnon does not send the SIP NOTIFY message from the second resource

to the separate first resource to notify status of the second, but rather sends NOTIFY

messages between presentities within the presence server. The Office Action asserts that

McKinnon discloses sending SIP NOTIFY messages from the presentity server to the first

resource notifying the first resource of the status of the second resource in the abstract and

paragraphs 0005, 0021, 0027-0029; and 0031. However, paragraphs 0021, 0027 and 0031

merely describe general use of the NOTIFY messages to send update presence information to

watcher devices (0021), a presentity sending NOTIFY messages to another presentity (0027),

and general use of NOTIFY messages (0031). The other cited paragraphs do not even

mention NOTIFY messages. Thus, none disclose the claimed sending a SIP NOTIFY from

the presentity server to the first resource notifying the first resource of the status of the

second resource. Thus, these claimed features of independent claims 1, 15, and 29 are not disclosed by McKinnon. Since McKinnon and the other cited references fail to provide any teaching of these features, the references fail to teach or suggest each and every claim limitation. Therefore, independent claims 1, 15, and 29 are believed to be allowable over the cited references as are dependent claims 2-14, 16-28, and 30-40 which depend from now allowable claims 1, 15, and 29.

Regarding claims 5 and 6, the Office Action asserts that McKinnon discloses the presentity confirming that the ACD is registered with the presentiity server and sending a SIP SUBSCRIBE message to the ACD requesting a SIP NOTIFY message from the ACD in paragraphs 0002; 0004; 0023; 0026; 0027; 0031; 0037; 0038 and 0039. However, paragraphs 0002; 0004; 0023; 0026; 0038; and 0039 do not even mention SUBSCRIBE messages. The Office Action disagrees, citing paragraphs 0023, 0037 and 0038. However, paragraph 0023 and 0038 merely generally describe functions but clearly do not even mention SUBSCRIBE messages. Paragraph 0027 describes presentity 16 for a device 20 subscribing to receive updates by sending SUBSCRIBE messages to presentities but does not describe registration with the presentity server or confirming such registration, or sending a SUBSCRIBE message to an ACD requesting a SIP NOTIFY message in response. Instead, the NOTIFY message is described as being sent by a presentity when an event notification is received. Paragraph 0031 also fails to disclose the claimed confirming, or the claimed sending the SIP SUBSCRIBE message requesting a NOTIFY message in response. Paragraph 0037 merely describes presentities P1 and P2 sending SUBSCRIBE messages to another presentity P3 of a focal device to register the participant device with the focal device, and the presenting P3 electing to receive information by sending SUBSCRIBE messages to the presentities P1 and P2. This also does not describe the claimed sending the SIP SUBSCRIBE message to the ACD requesting a SIP NOTIFY message from the ACD; or confirming that the ACD is

registered with the presenting server. There is no mention of sending a SUBSCRIBE message in response to confirming registration, or of that SUBSCRIBE message requesting a NOTIFY message. Thus, McKinnon fails to describe these features. Similarly, McKinnon does not disclose the ACD sending a SIP NOTIFY message to the presentity server from the ACD in response to the SIP SUBSCRIBE message sent from the presentity server to the ACD. Further, the mere disclosure of using SIP to communicate does not disclose the particular approach claimed.

Claims 7, 21 and 35 have been rejected as being obvious over McKinnon, Chaney, and Wolff. In this regard, Chaney also fails to teach or suggest the above discussed claimed features. In addition, Chaney describes determining a conference server with the lightest load but does not describe the claimed comparing of the load level to a threshold and determining that the ACD is unavailable if it exceeds the threshold. The Office Action asserts that Chaney discloses comparing a loading level of the ACD with a threshold and determining that the ACD is unavailable when loading exceeds the threshold in the abstract and paragraphs 0015 and 0040. However, these passages merely describe using load information to balance traffic by providing users with the identity of the most lightly loaded service provider. Thus, there is no description of comparing loading level to a predetermined threshold, and no description of determining that an ACD is unavailable, only notice to users of which service provider has the lightest load. There is also no redirection, only notice to users. Wolff merely discloses I/O load balancing to a plurality of server nodes but does not compare ACD load level to a threshold to determine if the ACD is available. Since McKinnon, Chaney, and Wolff fail to provide any teaching of these features, the combination fails to teach or suggest each and every claim limitation. Since the combination fails to teach or suggest each and every claim limitation, the claims 7, 21, and 35 are believed to be allowable over the cited references.

Claims 10, 24, and 38 have been rejected as obvious over McKinnon and Gray. Gray does not disclose the missing features described above regarding McKinnon, and further Gray merely describes representing current user context to be utilized in call handling but does not disclose the claimed call classification application determining a call type. Thus, claims 10, 24, and 28 are distinguishable over the combination.

Claims 11-12, 25-26, and 39-40 have been rejected as being obvious over McKinnon in view of Chaney, Gray, and Wolff. It may be noted in this regard that Gray and Wolff also fails to teach or suggest the above discussed features as well as the claimed use of queue length, loading of call routing application and a third resource. Since the cited references fail to provide teaching of these features, the combination fails to teach or suggest each and every claim limitation. Since the combination fails to teach or suggest each and every claim limitation, the claims 11-14, 25-28, and 39-40 are believed to be distinguishable over the combination.

For the foregoing reasons, applicant submits that the subject application and all pending claims 1-40 are in condition for allowance, and applicant earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional free which may be required for this application under 37 C.F.R. § § 1.16-1.18, including but not limited to the issue free, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,

HUSCH BLACKWELL SANDERS
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